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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/882,197	06/25/97	GREER	P 42390.P4072

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EXAMINER
WILLIAMS, P

ART UNIT	PAPER NUMBER
2765	2

DATE MAILED: 10/08/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/882,197

Applicant(s)
Greer et al

Examiner
Penny Caudle

Group Art Unit
2765



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 1-15 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al (U.S. 5,796,952).

As per claim 1, Davis et al discloses an advertising system comprising the following:

- a content provider which generates ad banners, as shown in Figure 6 (Server B);

- a target computer which receives the ad banners, as shown in Figure 6 (Client);

- an agent which is transmitted from the content provider to the target computer, the agent

obtains user information and transmits the user information to the content provider, as stated in column 4 lines 37-63, "...a tracking program is embedded in a file which is downloaded from a

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server to a client...and runs on the client to monitor various indicia...in order to track the user's interaction with and use...After monitoring the user's interaction with and use...the tracking program then automatically sends the information acquired from the client back to the server for storage and analysis...";

-a program running on the content provider, the program organizes the user information and updates a user specific database as stated in column 4 lines 64-67, "The acquired information is preferably stored on a server and used to build historical profiles of individual users, to serve out highly targeted information based upon user profiles...".

As per claim 2, Davis et al disclose all the limitations as set forth in claim 1 above with the addition of the agent being software executed by the target computer. As shown in column 4 lines 45-52, "The tracking program is downloaded from a server and runs on the client...".

As per claim 3, Davis et al disclose all the limitations as set forth in claim 1 above with the addition of further comprising a user profile which is updated by the program running on the contact provider. As shown in Figure 6 items S603A and S611A and stated in column 18 lines 34-37, "...the client profile is created automatically using information acquired by the tracking program and one or more CGI scripts and is stored in the server database...".

As per claim 4, Davis et al disclose all the limitations as set forth in claim 1 above with the addition of the user profile including information on Web sites visited. As stated in column 5 lines 4-13, "...In the case of the Internet...the tracked resource may...be a file such as a Web page or part of a Web page (such as an ad banner).".

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As per claim 5, Davis et al disclose all the limitations as set forth in claim 1 above with the addition the agent which collects information using Active X. As stated in column 10 lines 53-57, "...be implemented in a so-called "Active X" environment, in which the tracking program is written as an Active-X component."

As per claim 6, Davis et al disclose all the limitations as set forth in claim 1 above with the addition of the user profile including a subkey indicating the time spent at each web site. As stated in column 8 lines 64-67, "The tracking program may monitor the length of time the user remains in the Web page, or any one or more portions thereof..."

As per claim 7, Davis et al disclose a method of communicating advertising information comprising the following:

- creating a user profile, as stated in column 4 lines 64-65, "The required information is preferably stored on a server and used to build historical profiles of individual users..."

- transmitting an ad banner from a content provider to a target computer, as stated in column 13 lines 54-56, "In the case of a Web page provided with an ad banner, the tracking program..."

- collecting user information at the target computer, as stated in column 4 lines 46-51, "The tracking program...and runs on the client to monitor various indicia..."

- transmitting the user information from the target computer to the content provider, as stated in column 4 lines 56-59, "After monitoring the user's interaction with and use...the

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tracking program then automatically sends the information acquired from the client back to the server for storage and analysis...”;

- filtering the user information to create relevant data, as stated in column 14 lines 47-48, “The tracked information may be used to assemble resources geared toward the user’s interest.”;

- arranging the relevant data to create a modified user specific database, as stated in column 16 lines 5-9, “A second database that may be created is indexable by individual client, and includes information concerning individual client’s interests and preferences...”;

- generating a second user ad banner corresponding to the modified user specific database, as stated in column 15 lines 3-5, “Since the user has previously expressed a greater interest in sports, sports-related advertisements may therefore be targeted to that user.”.

As per claim 8, Davis et al disclose all the limitations as set forth in claim 8 above with the addition of further comprising the step of transmitting an agent from the content provider to the target computer. As stated in column 4 lines 37-40, “...a tracking program is embedded in a file which is downloaded from a server to a client.”

As per claim 9, Davis et al disclose all the limitations as set forth in claim 7 above with the addition of the collecting step is executed by an agent running on the target computer. As stated in column 4 lines 45-46, “The tracking program is downloaded from a server and runs on the client...”.

As per claim 10, Davis et al disclose all the limitations as set forth in claim 8 above with the addition of the agent being transmitted with the ad banner. As stated in column 14 lines 22-

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30, "...the tracking program is downloaded...with the HTML document in response to a TCP/IP client request...displaying both the Web page and the ad banner embedded in the Web page..."

As per claim 11, Davis et al disclose all the limitations as set forth in claim 9 above with the addition of the agent is independent of a browser executing on the target computer. As stated in column 17 lines 45-46, "In addition the tracking program need not be a program that executes on the client computer."

As per claim 12, Davis et al disclose all the limitations as set forth in claim 7 above with the addition of the ad banner is transmitted in an Internet protocol format. As stated in column 14 lines 22-30, "...the tracking program is downloaded...with the HTML document in response to a TCP/IP client request...displaying both the Web page and the ad banner embedded in the Web page..."

As per claim 13, Davis et al disclose all the limitations as set forth in claim 7 above with the addition of the generating of the second user ad banner involves applying rules which include dynamic information profiling the target computer user. As stated in column 14 lines 62-65, "...user profile database may be used to determine which of the resources is to be downloaded to that client using simple logical processing instructions."

As per claim 15, Davis et al disclose an advertising system comprising the following:
-a content provider which generates a means for advertising, as shown in Figure 6 (Server B);

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-a target computer which receives the means for advertising, as shown in Figure 6 (Client);

-a means for obtaining user information and transmitting the user information to the content provider, the means for obtaining user information transmitted from the content provider to the target computer, as stated in column 4 lines 37-63, "...a tracking program is embedded in a file which is downloaded from a server to a client...and runs on the client to monitor various indicia...in order to track the user's interaction with and use...After monitoring the user's interaction with and use...the tracking program then automatically sends the information acquired from the client back to the server for storage and analysis...";

-a means for organizing the user information and upgrading a user specific database, as stated in column 4 lines 64-67, "The acquired information is preferably stored on a server and used to build historical profiles of individual users, to serve out highly targeted information based upon user profiles...".

4. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Goldhaber et al (U.S. 5,794,210).

As per claim 14, Goldhaber et al disclose a content provider for providing advertising over a network comprising the following:

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-a plurality of user profiles, each user profile including user data corresponding to a target computer account, as shown in Figure 7 item 124 and stated in column 13 lines 34, "We keep a personal profile for each of our members";

-a munging agent which updates each user profile based on data transmitted from an agent, as shown in Figure 11A items 190 and 192;

-a rule set associated with each user profile including rules generated from the user data and a rulebook which selects data to be transmitted from an advertising content database using the rule set, as stated in column 15 lines 31-47, "Matching of interest profiles 124 with ads can be performed using "relevance indexing"...".

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Penny Caudle whose telephone number is (703) 305-0756. The examiner can normally be reached Monday-Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


ERIC W. STAMBER
PRIMARY EXAMINER
ART UNIT 2765

plc

October 1, 1998